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From: Keating, Jim
Sent: Wed 8/28/2013 11:01:39 PM
Subject: Pend Oreille Kalispel Meeting report out

Attorney-Client Privilege

John, Eric, and Sarah,

The meeting went well. As it turned out, the meeting was just with the tribe: because of some issues with whether a tribal rep was functioning as an attorney or not the State was not comfortable attending in the end. Although this was unfortunate in some ways, it did allow for some constructive conversations to proceed with the tribe that may not have been possible in a three way meeting.

Bottom line is that the tribe is really seeking to facilitate what they view as important conservation measures (at Box Canyon and Albeni Falls dams) and they would like the TMDL to support their implementation and not thwart their efforts (as may be the case with Albeni Falls and the border issue we've discussed). I think we made some headway in opening up the possibility of either small changes in the TMDL and/or statements made in conjunction with EPA action on the TMDL that would meet the tribe's needs without a complete redo.

Ex. 5 - Deliberative

The next steps include contacting the state and get a read on their willingness to move in this direction. This should be a far better position than the one they feared they would face from EPA. Some interaction with the Corps/Idaho and Box Canyon operators may also be needed at some point.

Overall the Region felt more positive about potential solution after the meeting. The tribe said the meeting was better than they expected. They expressed their appreciation to me several times for flying out to participate, so the HQ attention was noted (Jim C also participated by phone).

Obviously, more to come and I'm sure they'll be an opportunity for a more thorough report out. I was very impressed by the way Dan and Dave prepared for and conducted the meeting. I think they had just the right tone and direction. The R10 program staff and legal support was also highly effective.

Feel free to call me tomorrow (202-486-2872) if you have questions or want to hear more.